

Remarks

Applicant respectfully requests entry of this amendment and reconsideration of this application as amended herein.

Applicant acknowledges the absolute discretion of the Examiner to enter or not enter this amendment. Applicant has filed an Appeal Brief concurrently herewith, but offers this amendment to address the grounds of rejection in the final rejection and thereby obviate further proceedings in the appeal.

Claims 1-8 would be canceled, claims 9-12, 17 and 20 would be rewritten, and a new claim 21 would be added, as follows:

Claim 11 would be rewritten to incorporate the subject matter of canceled claim 1, so it should now be allowable in accordance with the Examiner's indication of allowability.

Claim 9 would be amended to specifically claim the invention as a bearing having Type 60 Nitinol rolling bearing elements, rather than claiming the bearing elements for use in a bearing. Then claims 10 and 21 would specify that the rolling elements are rods and balls for roller bearings and ball bearings, respectively.

Claim 12 would be rewritten to specifically limit the claim to cutting ball blanks out of a sheet of Type 60 Nitinol.

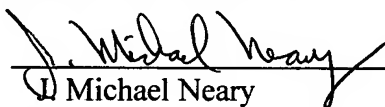
Claim 20 would be rewritten to claim a bearing with Type 60 Nitinol bearing races, rather than a Type 60 bearing race for use in a bearing.

Applicant's attorney would welcome a telephone conference with the Examiner if the Examiner would be inclined to enter this amendment but feels unable to do so for a reason that could be addressed by a suitable revision to this amendment.

If the Examiner concurs with Applicant that the claims of the application as amended herein and explained above particularly point out and distinctly claim the invention and patentably distinguish the invention over the prior art, he is respectfully requested to pass this application to issue.

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Respectfully submitted,



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